UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EARL RACINE, as successor to CALIFORNIA
WINDOW COVERINGS, INC.,

      Plaintiff,   CIVIL ACTION NO. 03 CV 40300 FL

    v.   DISTRICT JUDGE PAUL V. GADOLA

AMERICAN BLIND AND   MAGISTRATE JUDGE VIRGINIA MORGAN
WALLPAPER FACTORY, INC.,

      Defendant.
_____/

AMENDED ORDER GRANTING IN PART DEFENDANT'S MOTION TO ADJOURN DATES AND TO COMPEL DISCOVERY

This matter is before the court on defendant American Blind and Wallpaper Factory's Motion to Adjourn Dates and to Compel Discovery (D/E 30). Oral argument was held before the magistrate judge on August 24, 2005. For the reasons stated on the record, IT IS ORDERED that the motion IS GRANTED IN PART and DENIED IN PART.

The parties have resolved several aspects of the motion. Counsel for plaintiff Racine has agreed, without admitting any deficiency, to supplement by September 7, 2005, the responses to Interrogatories 1-7 and 16 as to anticipated trial testimony of witnesses. Additionally, without admission of deficiency, Racine agrees to supplement responses to Interrogatories 8 and 9 regarding the damages calculation and to explain the increase from $400,000 to $885,000.

On September 13, 2005, in a telephone conference call, plaintiff's counsel requested a two-week extension of the production ordered by September 14, 2005, for the reason that plaintiff is traveling this month out of country. Accordingly, the previous order is amended as follows:

IT IS ORDERED that on or before September 28, 2005:

A.	 Racine will provide all financial statements, invoices, and documents upon which it will rely to support the claims for damages. Copies will be produced at defendant's expense and the originals are to be segregated by Racine for inspection by defense counsel.

B.	In addition, Racine is to provide a copy of the inventory of all the document boxes and their contents. All documents will be available for inspection by defense counsel at the current location between September 28, 2005 and October 28, 2005.

C.	The deposition of Mr. Racine will take place as soon after the document production in (A) as can be scheduled by mutual agreement but in any event, within 30 days of the document production. Tentatively, this date is set for October 26, 2005, in Michigan.

D.	A facilitated mediation with the magistrate judge in conjunction with the plaintiff's deposition is tentatively scheduled for October 27, 2005, at 10:00 a.m. in Room 651 of the Theodore Levin United States Courthouse, 231 W. Lafayette, Detroit, MI. All attorneys, clients and representatives with full settlement authority are to be present.

E.	No costs to either side.

F.	After consultation with the chambers of the district judge, the following amended schedule is entered:

(1) All documents ordered produced will be sent the defendant's Chicago counsel

and delivered to them by September 28, 2005.

(2) Any documents upon which plaintiff intends to rely must be produced by

September 28, 2005. Remainder of documents will be available for inspection

and copying in Los Angeles between September 28, 2005 and October 28, 2005.

(3) Deposition of Mr. Racine shall occur on or before October 28, 2005 in

Michigan. A tentative deposition date of October 26, 2005, is scheduled.

(4) Facilitation with the magistrate judge in conjunction with the deposition, if

possible, is tentatively set for October 27, 2005 at 10:00 a.m.

(5) Discovery completion date is extended to October 14, 2005;
      Dispositive Motion Filing Deadline is extended to October 31, 2005;
      Joint Final Pretrial Order is due November 21, 2005;
      Final Pretrial Conference date will be set by the district judge; and
      Jury Trial date will be set by the district judge.

SO ORDERED.

s/Virginia M. Morgan
VIRGINIA M. MORGAN
UNITED STATES MAGISTRATE JUDGE

Dated: September 22, 2005

Proof of Service

The undersigned certifies that a copy of the foregoing order was served on the attorneys of record by electronic means or U.S. Mail on September 22, 2005.

s/Jennifer Hernandez
Case Manager to
Magistrate Judge Morgan